In re Appln. of Hermann Schmodde et al.
Application No. 10/030,790

REMARKS

Applicants have carefully reviewed and considered the Office Action dated April 1, 2004 and the references cited therein. Claim 41 has been amended and new claims 42-48 have been added. Claims 16-32 and 35-48 are presently pending in this application with claims 26-32 and 35-41 having been allowed. Applicants believe that the application is now in condition for allowance. Accordingly, favorable reconsideration in light of the foregoing amendments and the following remarks is respectfully requested.

Claim 41 stands rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent 5,716,024 ("the Kaufmann patent") in view of U.S. Patent 5,782,424 ("the Horvath patent"). The Examiner asserts that the Kaufmann patent discloses metal elements for making a connection between sensors or switches provided on a yarn feeder. The Examiner further asserts that the Horvath patent teaches a yarn feeder including movable yarn sensors for sensing yarn breaks. According to the Examiner, providing the yarn feeder of Kaufmann with movable yarn sensors like those of the Horvath patent that connect to the metal elements would have been obvious to one of ordinary skill in the art. Applicants respectfully traverse this rejection of claim 41.

The invention as recited in claim 41 and new claim 45 helps reduce fluff deposits as well as other problems associated with the build-up of static charges. In particular, if the yarn feeder is made of plastic, the running of the yarn over yarn contacting elements such as a yarn guide element can build-up an electrostatic charge. With the yarn feeder according to claim 45, this electrostatic charge can be reduced through an electrically grounded conductor arranged in the yarn feeder housing and connected to the element that is in contact with the yarn. Similarly, claim 41 recites a yarn feeder that has an electrical conductor defining an electrically conductive path between an element in contact with yarn and the fastening clamp that secures the yarn feeder to a textile machine. An exemplary embodiment of this ground conductor feature is described in paragraphs [0016], [0017], [0042] and [0043] and shown in FIG. 6 of the application.

Neither the Kaufmann patent nor the Horvath patent teach or suggest a conductor linking a yarn contacting element to ground. The Kaufmann patent discloses electrical leads 69, 70 for making connection between sensors or switches provided on the feeder device. Neither of these leads provides a ground contact for discharging electrostatic build-up on an element in contact with yarn. The Horvath patent merely discloses yarn sensors. No ground conductor is provided. Thus, independent claims 41 and 45 and the claims depending therefrom are allowable over the Kaufmann and Horvath patents.

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Independent claim 16 and the claims depending therefrom stand rejected under either 35 U.S.C. 102 as anticipated by the Kaufmann patent or under § 103 as obvious in view of the Kaufmann and Horvath patents. In response to applicants' previous arguments regarding the application of the Kaufmann patent to this claim, the Examiner asserted that both the clamp in the Kaufmann patent and the clamp in the illustrated embodiment of the present application are C-shaped. Based on this, the Examiner concludes that the clamp in the Kaufmann patent is not lacking any structure necessary to hold the yarn feeder to the textile machine. Applicants respectfully submit that the comparison of the clamp of the present invention and the clamp disclosed in the Kaufmann patent is not well taken.

Both the clamp of the present invention and the clamp disclosed in the Kaufmann patent are intended to engage a rectangular rail on a textile machine. As shown in the attached marked-up version of FIG. 9, the clamp illustrated in the present application includes a surface that will engage at least a portion of each of the four sides of the rectangular rail (labeled as surfaces 1-4). The clamp disclosed in the Kaufmann patent lacks an equivalent to surface #4 and thus could not securely hold the yarn feeder on a rectangular rail. This is illustrated by the previously submitted operating instructions for the yarn feeder disclosed in the Kaufmann patent which show a cover plate 11 attached to the lower end of the clamp. This cover plate 11 provides the additional engagement surface (equivalent to surface #4) necessary to hold the yarn feeder on the rail. As shown in the previously submitted photos of the Kaufmann yarn feeder, this cover plate is made of metal. Claim 16 requires that all the portions of the clamp that incur clamping forces be formed of a plastic material. Thus, the Kaufmann yarn feeder does not anticipate claim 16. The claims depending from claim 16 are allowable for at least the same reason.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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